

## Message Text

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ORIGIN ARA-10

INFO OCT-01 SS-14 ISO-00 NSC-10 NSCE-00 CIAE-00 INR-10

NSAE-00 RSC-01 SSO-00 INRE-00 USIE-00 COA-01 L-02

AID-10 PM-03 DODE-00 H-01 PRS-01 DLOS-03 EB-03 /070 R

DRAFTED BY ARA/EP/E:DKGUTHRIE:EFM

APPROVED BY ARA:JBKUBISCH

ARA/EP - MR. PRINGLE

S/S- MR. MILLER

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FM SECSTATE WASHDC

TO AMEMBASSY QUITO IMMEDIATE

INFO AMCONSUL GUAYAQUIL

AMEMBASSY LIMA

S E C R E T STATE 005055

LIMDIS

E.O. 11652:GDS

TAGS: EAID, EFIS, MASS, EC, US

SUBJ: QUEVEDO-KUBISCH CONVERSAT\*ON: FISHERIES DISPUTE

1. SUMMARY. AMB. QUEVEDO CALLED ON ASST SECY KUBISCH JAN. 9 TO EXPRESS GOE APPRECIATION FOR FISHERMEN'S PROTECTIVE ACT (FPA) WAIVER AND DELETION OF VAN DEERLIN AMENDMENT FROM FOREIGN ASSISTANCE APPROPRIATIONS ACT. KUBISCH REITERATED U.S. INTEREST IN TALKS WITH GOE ON FISHERIES AND SAID THAT CONTINUED ABSENCE OF FISHING BOAT SEIZURES WOULD FACILITATE FURTHER U.S. ACTIONS TO IMPROVE RELATIONS. ALTHOUGH QUEVEDO AGAIN STATED THAT REMOVAL OF PUNITIVE LEGISLATION WAS PRECONDITION FOR NEGOTIATIONS ON FISHERIES, HE INDICATED THAT GOE MIGHT BE AMENABLE TO INFORMAL EXCHANGE OF VIEWS, POSSIBLY AT MEXICO FOREIGN MINISTERS MEETING. END SUMMARY.

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2. AMBASSADOR QUEVEDO SAID HE HAD ASKED TO SEE KUBISCH IN ORDER TO CONVEY GOE'S APPRECIATION FOR THE PRESIDENT'S ACTION IN WAIVING THE AID DEDUCTIONS APPLICABLE TO ECUADOR UNDER THE FISHERMEN'S PROTECTIVE ACT AND ALSO FOR THE ENACTMENT BY CONGRESS AND SIGNATURE BY THE PRESIDENT OF NEW FOREIGN ASSISTANCE APPROPRIATIONS ACT OMITTING THE VAN DEERLIN AMENDMENT, WHICH PROHIBITED AID TO ECUADOR. THESE WERE POSITIVE STEPS AND THE GOE HOPED THAT THEY FORESHADOWED FURTHER ACTIONS THAT WOULD ESTABLISH A BASIS FOR DISCUSSIONS BETWEEN THE U.S. AND ECUADOR LOOKING TOWARD SOLUTION OF THEIR DIFFERENCES OVER FISHERIES.

3. KUBISCH EXPRESSED APPRECIATION FOR THE AMBASSADOR'S STATEMENT AND FOR THE REMARKS IN A SIMILAR VEIN MADE BY FOREIGN MINISTER LUCIO PAREDES IN QUITO. HE NOTED THAT THE EXECUTIVE BRANCH HAD CONSISTENTLY OPPOSED LEGISLATION SUCH AS THE VAN DEERLIN AMENDMENT AND THE AID DEDUCTIONS PROVISIONS OF THE FPA. KUBISCH SAID HE COULD ASSURE QUEVEDO THAT SECRETARY KISSINGER CONSIDERED GOOD RELATIONS WITH ECUADOR IMPORTANT AND THAT THERE HAD NEVER BEEN ANY DOUBT THAT WAIVER OF THE AID DEDUCTIONS WOULD BE RECOMMENDED TO THE PRESIDENT.

4. KUBISCH ADDED THAT U.S. APPROACH WAS TO DEMONSTRATE BY CONCRETE ACTIONS SUCH AS THE FPA WAIVER RATHER THAN BY WORDS OUR SINCERE DESIRE TO IMPROVE RELATIONS WITH ECUADOR, HOPING THAT THE GOE WOULD TAKE NOTE AND WOULD RECIPROcate. IN KEEPING WITH THIS STRATEGY WE HAD MADE NO PUBLIC STATEMENT EITHER IN WASHINGTON OR QUITO CONCERNING THE FPA WAIVER OR THE ELIMINATION OF THE VAN DEERLIN AMENDMENT.

5. REFERRING TO QUEVEDO'S REMARKS ABOUT FURTHER U.S. ACTIONS TO PROVIDE A BASIS FOR DISCUSSIONS OF THE FISHERIES PROBLEM, KUBISCH ASKED QUEVEDO TO EXPLAIN MORE FULLY THE GOE'S POSITION IN THIS REGARD. QUEVEDO RESPONDED THAT GOE DESIRED REMOVAL OF ALL PUNITIVE LEGISLATION APPLICABLE TO ECUADOR SINCE THESE LAWS IMPLIED U.S. INTENT TO PRESSURE ECUADOR AND WERE THUS

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INCOMPATIBLE WITH NEGOTIATIONS ON A BASIS OF FULL EQUALITY. IN QUEVEDO'S OPINION, EARLY REPEAL OF PUNITIVE LEGISLATION WOULD GREATLY IMPROVE NEGOTIATING ATMOSPHERE ON FISHERIES AT FORTHCOMING LAW OF THE SEA CONFERENCE.

6. KUBISCH EXPLAINED AT SOME LENGTH DIFFICULTIES OF SECURING REPEAL OF LEGISLATION UNDER U.S. SYSTEM OF

GOVERNMENT IN WHICH CONGRESS WAS CO-EQUAL BRANCH WITH EXECUTIVE. WHILE IT WAS TO BE HOPED THAT FURTHER ACTION TO REMOVE PUNITIVE LEGISLATION MIGHT BE POSSIBLE, IT WAS NOT POSSIBLE TO OFFER ANY GUARANTEES THAT CONGRESS WOULD DO SO. KUBISCH HOPED THAT GOE WOULD KEEP THESE FACTORS IN MIND WHEN CONSIDERING HOW TO DEAL WITH FISHERIES DISPUTE. KUBISCH POINTED OUT THAT ALTHOUGH SUBJECT TO STATUTORY LIMITATIONS ESTABLISHED BY CONGRESS, THE PRESIDENT HAD CONSTITUTIONAL RESPONSIBILITY FOR

CONDUCT OF FOREIGN POLICY. HE HOPED GOE WOULD TAKE NOTE OF FACT THAT EXECUTIVE HAD STEADILY OPPOSED PUNITIVE LEGISLATION AND HAD SOUGHT TO MITIGATE ITS EFFECT ON ECUADOR.

7. KUBISCH NOTED THAT MANY MONTHS HAD PASSED WITHOUT A FISHING BOAT SEIZURE. STATING THAT HE DID NOT WISH TO BE SPECIFIC AT THIS POINT, HE SAID THAT HE WANTED AMB. QUEVEDO TO KNOW THAT WE WERE CONSIDERING FURTHER ACTION TO IMPROVE US-ECUADOREAN RELATIONS, PARTICULARLY IN THE MILITARY FIELD. IT WOULD MAKE IT MUCH EASIER FOR THE USG TO TAKE SUCH ACTION IF THE HIATUS IN FISHING BOAT SEIZURES CONTINUED, AND WE HOPED THAT THE GOE WOULD DO WHATEVER IT COULD TO INSURE THAT THERE WERE NO FURTHER SEIZURES AT THIS TIME. QUEVEDO SAID THAT HE WOULD INFORM HIS GOVERNMENT.

8. IN THE COURSE OF DISCUSSION REPORTED SEPTEL OF POSSIBLE VISIT BY SECRETARY TO QUITO, KUBISCH NOTED THAT WHILE SECRETARY MIGHT NOT BE ABLE TO COME TO ECUADOR BEFORE LATE 1974, IT MIGHT BE POSSIBLE FOR HIM TO SEND A PRIVATE REPRESENTATIVE TO QUITO TO DISCUSS THE FISHERIES PROBLEM AT AN EARLY DATE. KUBISCH SAID  
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THAT HE WAS OFFERING THIS SUGGESTION ON A PURELY PERSONAL BASIS AND ASKED HOW THE GOE MIGHT RESPOND TO SUCH AN INITIATIVE. QUEVEDO, SAYING THAT HE WAS ALSO EXPRESSING ONLY HIS PERSONAL OPINION, INDICATED DOUBT THAT SUCH AN INITIATIVE WOULD PROSPER AS LONG AS U.S. PUNITIVE LEGISLATION REMAINED ON THE BOOKS. WHEN KUBISCH PURSUED SUBJECT, SAYING FRIENDS OUGHT TO TALK ABOUT PROBLEMS THEY WISH TO RESOLVE, QUEVEDO SOFTENED SOMEWHAT AND SAID HE WOULD REPORT CONVERSATION TO QUITO. KUBISCH THEN ASKED IF IT MIGHT BE USEFUL FOR THE SECRETARY TO DISCUSS THE FISHERIES PROBLEM WITH FOREIGN MINISTER LUCIO PAREDES IN MEXICO CITY. QUEVEDO REPLIED THAT THIS WOULD SEEM TO PROVIDE A GOOD OPPORTUNITY FOR AN INFORMAL US-ECUADOREAN EXCHANGE OF VIEWS. KISSINGER

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